

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

KATHLEEN STONE,

*Plaintiff,*

v.

Civ. No. 1:24-cv-11897-LTS

PRESIDENT AND FELLOWS OF  
HARVARD COLLEGE, and JOHN AND  
JANE DOES 1-50,

*Defendants.*

**PLAINTIFF’S MOTION FOR LEAVE TO FILE A SURREPLY IN OPPOSITION TO  
DEFENDANT’S MOTION TO DISMISS**

Plaintiff Kathleen Stone (“Plaintiff” or “Coach Stone”) hereby respectfully requests that the Court grant her leave to file a surreply memorandum of law in further opposition to Defendant President and Fellows of Harvard College’s (“Harvard Defendants”) Motion to Dismiss (the “Motion” or the “Motion to Dismiss”). The proposed surreply (the “Surreply”) is attached hereto as Exhibit A. As grounds for this motion, Plaintiff states as follows:

1. Plaintiff Stone filed her Complaint on July 23, 2024. [ECF No. 1].
2. The Harvard Defendants filed their Motion, and memorandum of law in support thereof, on October 7, 2024. [ECF Nos. 13-14].
3. After respectfully requesting and receiving an extension [ECF Nos. 22-23], Plaintiff filed her memorandum of law in opposition to the Harvard Defendants’ Motion on November 18, 2024. [ECF No. 24].

4. The Harvard Defendants respectfully requested and received, on December 12, 2024, approval to file their reply memorandum of law (the “Reply”) in further support of its Motion. [ECF Nos. 30-32].

5. A Surreply is warranted for Plaintiff to succinctly address two issues raised in the Harvard Defendants’ Reply.

6. Harvard Defendants’ reliance on, and continued referral to, sources outside of Plaintiff’s complaint as a basis to argue that Plaintiff has failed to carry her burden at the pleading stage to allege an inference of discrimination/retaliation.

7. Second, Plaintiff addresses the Harvard Defendants’ substantive argument, raised for the first time on reply, that Plaintiff’s hostile work environment claim should be dismissed.

8. For the remainder of the Harvard Defendants’ arguments, Plaintiff relies upon and respectfully refers the Court to Plaintiff’s memorandum of law in opposition to Defendant’s Motion to Dismiss. [ECF No. 24].

9. No party will be prejudiced by the relief requested herein.

WHEREFORE, Plaintiff respectfully requests leave to file the proposed Surreply memorandum of law, attached hereto as Exhibit A, in further opposition to the Harvard Defendants’ Motion to Dismiss.

**Dated: Boston, Massachusetts  
December 27, 2024**

**Respectfully submitted,**

**NESENOFF & MILTENBERG, LLP**

***Counsel for Plaintiff Kathleen Stone***

*/s/ Gabrielle M. Vinci*

**Andrew T. Miltenberg (*pro hac vice*)  
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**/s/ Tara J. Davis**

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**LOCAL RULE 7.1(a)(2) CERTIFICATION**

Pursuant to Local Rule 7.1(a)(2), I, Gabrielle Vinci, certify that I have conferred with counsel for Defendant in good faith concerning the foregoing request. On December 18, 2024, counsel for Defendant stated by email that they will assess Defendant's position on Plaintiff's request following receipt of the motion and proffered sur-reply papers.

/s/ Gabrielle M. Vinci  
Gabrielle M. Vinci

**CERTIFICATE OF SERVICE**

I, Gabrielle M. Vinci, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be served upon anyone indicated as a non-registered participant.

/s/ Gabrielle M. Vinci  
Gabrielle M. Vinci